

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

AMANDA BETH RHODES,

Plaintiff,

v.

CIVIL ACTION NO. 5:23-cv-781

MARTIN O'MALLEY,
Commissioner of the
Social Security Administration,

Defendant.

ORDER

Pending is Plaintiff Amanda Rhodes' Motion to Remand and Reverse the decision of the Commissioner of Social Security denying her claims for disability insurance benefits [Doc. 4], filed February 26, 2024. Also pending is Defendant Martin O'Malley's request to affirm the decision of the Commissioner [Doc. 5], filed March 19, 2024. This action was previously referred to the Honorable Joseph K. Reeder, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Reeder filed his PF&R on October 22, 2024. Magistrate Judge Reeder recommended that the Court dismiss the case with prejudice and remove this matter from the Court's docket.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis

added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on November 5, 2024. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 8**], **GRANTS** Plaintiff's Motion to Remand [**Doc. 4**], **DENIES** Defendant's Request to Affirm [**Doc. 5**], **REVERSES** and **REMANDS** the final decision of the Commissioner, and **DISMISSES** the case **WITH PREJUDICE**.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: November 12, 2024



Frank W. Volk
 Frank W. Volk
 Chief United States District Judge